

**Department of Health
BOARD OF NURSING HOME ADMINISTRATORS
MINUTES**

DATE: November 1, 2002

PLACE: Department of Health
CenterPoint Corporate Park
Creekside 3, 2nd floor Conference Room #1
20435 72nd Avenue South, Suite 200
Kent, Washington

BOARD MEMBERS: Linda Batch
James Bennett, Chair
John Brigham, Vice Chair—excused
Kate Brostoff
Donna El Din—excused
Cal Groenenberg
Lennette Watson

STAFF: Margaret Gilbert, Staff Attorney
Barbara Hayes, Program Manager
Patricia Latsch, OPS Health Law Judge

ASSISTANT ATTORNEY

GENERAL: Marc Defreyn, AAG Advisor
Jim McLaughlin, AAG Prosecutor

GUESTS: Kary Hyre, Long Term Care Ombudsman Program
Cindy Todd, Department of Social and Health Services

In accordance with the Open Public Meetings Act, approximately 11 meeting notices were sent to interested persons requesting notification of Board of Nursing Home Administrators (BNHA) meetings and rules hearings.

OPEN SESSION

1. CALL TO ORDER

- Jim Bennett, Chair, called the meeting to order at 8:55 AM
- People attending the meeting introduced themselves
- The agenda was approved as amended at this meeting

2. OPEN FORUM FOR PUBLIC INPUT

There was no public present at this meeting

3. DISCIPLINARY

- Attendees discussed alternatives to disposition of complaints based on a violation of the rule that requires training on nursing home laws within 180 days of initial licensure in Washington State (WAC 246-843-130 (4)). Margaret Gilbert gave examples of the types of complaints opened since the rule was effective January 13, 2000 and disposition of those complaints to date.
- Board members considered the alternatives and passed a motion relating to complaints involving NHA who do not take the required course within 180 days of initial licensure. The motion reads:

"It is the Board's policy that if a licensed administrator fails to take the state law training within 180 days then a complaint case will be opened and sent to investigation. If the licensed administrator is in active practice in Washington then a NOC will be issued. If the licensed administrator is not in active practice in Washington then the administrator will be offered the opportunity to sign a declaration stating that if he/she ever enters active practice in Washington he/she will take the next scheduled state law training course, this will close the complaint without action as 'below threshold—otherwise resolved'."
- Based upon their decision to close certain types of complaints based upon violation of WAC 246-843-180 (4), the Board voted to withdraw statements of charges on the following cases that were scheduled for administrative hearing or presentation of agreed orders:

James J. Burke, NH 2230, Docket No. 02-01-A-1080NH, Program No. 2001 08 0006
Patsy M. Bagully, NH 2251, Docket No. 02-02-A-1010 NH, Program No. 2001 08 0010
Brian S. Czerwinski, NH 2283, Docket No. 02-07-A-1054NH, Program No. 2002 05 0004
Jean A. Walker, NH 2285, Docket No. 02-07-A-1053NH, Program No. 2002 05-0006
- Cases of this type already authorized by the BNHA to issue statements of charges will be presented to the next scheduled case disposition panel telephone conference call on November 20, 2002.
- The BNHA voted to begin the rule-making process to amend WAC 246-843-130. DOH staff will prepare a pre-proposal statement of inquiry (CR 101) to begin the rule-making process.
- Linda Batch, Jim Bennett, Marc Defreyn, AAG, volunteered to be on a task force to create a form for member, staff attorney and AAG to use when determining disciplinary action to resolve statements of charges of unprofessional conduct or denial of license.

The form will supplement use of the BNHA policy on disciplinary guidelines (violation categories, aggravating and mitigating circumstances and circumstances not to be considered and sanctions).

- Members reviewed and approved the Health Professions Quality Assurance (HPQA) policy D 30.01 on Felony and Gross Misdemeanor Convictions. Members discussed the written criteria for disciplinary sanctions, list of felonies and gross misdemeanors and aggravating and mitigating circumstances that are addendum to the HPQA policy, and determined there are no specific bases for BNHA decisions that fall outside of this policy at this time.

4. CONSENT AGENDA

Items listed under the consent agenda were approved by a single motion of the BNHA without separate discussion. The items were:

- HPQA policy B 03.02 on Desired Qualifications for Public Members
- HPQA policy B 04.02 on Board, Commission, Committee and Council Member Appointments
- HPQA policy B 05.02 on Pro Tem Members
- HPQA policy D 15.03 on Services Provided by Staff Attorneys
- HPQA policy D 28.02 on Case Management Teams
- HPQA policy D 29.01 on Expert Witness Contracts

5. DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

Cindy Todd, DSHS, provided members with information on the nursing home WAC training that is required for newly licensed NHA. Members thanked Cindy for the comprehensive information and agreed the training is successful in it's goal to educate new NHA on the differences between federal regulations and the laws in Washington State that are more strict in caring for residents in nursing homes.

6. RULES

Members reviewed written comments received for the rules hearing held on August 9, 2002. No public attended the hearing so there was no oral testimony. The BNHA voted to adopt the following rules as published in WSR 02-11-106.

- Amending WAC 246-843-150
- Amending WAC 246-843-180
- Amending WAC 246-843-330

The amended rules will be filed with the Code Reviser Office for publication in the Washington State Register with an effective date 90 days after filing.

7. PROGRAM REPORT

- Barbara Hayes distributed board member protocols designed by Health Services Section 3 for discussion among members. Members raised questions about board members who serve as members of boards of associations as chairmen of committees or other roles

within the association leadership but who are not an officer of the association. The board delayed further discussion on the protocols to the next meeting.

- Members discussed the topic of adding public members to the membership of the BNHA.

8. COMPLAINTS

- Members reviewed a report of complaints closed since the last meeting. The BNHA voted to accept closure of the complaints listed.
- Members reviewed a list of complaint files currently assigned to the reviewing members.

9. 2003 MEETING DATES

Members selected the following dates and locations for 2003 meetings:

- February 21, 2003, Kent
- May 30, 2003, Des Moines
- August 22, 2003, Olympia
- November 7, 2003, Port Orchard

10. LONG TERM CARE OMBUDSMAN PROGRAM (LTCOP)

Kary Hyre presented an idea that a non-profit organization, The Pioneer Group, is proposing. The idea is to change the title of nursing assistant – certified to resident assistant. He acknowledged that this would require legislation and employment job description changes. Mr. Hyre explained the titles would not be used in hospitals and the change would still maintain a career ladder for workers in nursing professions.

11. ADJOURNMENT--The meeting adjourned at 12:15 PM

Recorded and submitted by:

Barbara A. Hayes, Program Manager

Approved by:

James K. Bennett, Chair